

Message

From: Nance, Earthea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5A54D6F295DB49BF9B334B7D971D789F-NANCE, EART]
Sent: 2/28/2023 10:38:39 PM
To: christian.menefee@harriscountytexas.gov
CC: Andrews, Suzanne [Andrews.Suzanne@epa.gov]; Cagle, Molly [molly.cagle@bakerbotts.com]; Utley, Sarah (CAO) [Sarah.Utley@harriscountytexas.gov]; Jim Blackburn [jimblackburn@suplides.com]; Wilkins, Tim [timothy.wilkins@bracewell.com]; Dwyer, Stacey [Dwyer.Stacey@epa.gov]; Gonzalez, Iris (she/her/hers) [Gonzalez.Iris@epa.gov]; Meyer, John [Meyer.John@epa.gov]; Price, Lisa [Price.Lisa@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Lockett, Casey [Lockett.Casey@epa.gov]; McGuire, James [McGuire.James@epa.gov]; Malone, George [Malone.George@epa.gov]; Acevedo, Janie [Acevedo.Janie@epa.gov]; charmaine.backens@tceq.texas.gov; Marvalette.hunter@houston.tx.gov; jbb@blackburncarter.com; arturo.michel@houston.tx.gov; James B Boles [jbboles@up.com] [jbboles@up.com]; Hanash Rami [rshanash@up.com] [rshanash@up.com]; Nicholas J. Bryan [NJBryan@up.com] [njbryan@up.com]; Seitz, Bart [bart.seitz@bakerbotts.com]; Benton, Mary - MYR [mary.benton@houston.tx.gov]; Werner, Roxanne (CAO) [Roxanne.Werner@harriscountytexas.gov]
Subject: Re: UPRR Order

Dear Christian,

We (EPA, Harris County, the City of Houston, UPRR and Bayou City Initiative) agreed that we would coordinate prior to issuing any announcements and/or press releases as recently as this past weekend. We apologize that our internal communication about this agreement proved to be lacking.

We have looked into the situation and have adjusted our process such that this will not happen to Harris County or any other partner in this project again. We value your participation in this process and look forward to continuing to work with you and your office while we continue to work towards solutions for residents in the Fifth Ward area.

If you would like to talk further, please call me (b) (6)

-Earthea

Sent from my iPhone

On Feb 28, 2023, at 9:38 AM, Menefee, Christian (CAO) <Christian.Menefee@harriscountytexas.gov> wrote:

All,

The Harris County team was disappointed to learn that after the EPA on Friday expressed that all the groups involved here—EPA, the county, the city, UP, and Bayou City Initiative—would hold announcements and press releases about the CERCLA order until we “coordinate,” the EPA nonetheless put out a press release about the order (quoting the city) without informing or consulting the county. We learned the press release was out in the world from a local media story, which also quoted a UP employee.

As you all know, the county has been advocating on the cancer cluster issue for several years, having first hired an expert to examine relevant issues back in 2019. My office has put a lot of time and resources into trying to find a workable solution—we have spent hundreds of hours identifying gaps in testing, meeting with community members on the ground, filing comments with the TCEQ, participating in public meetings,

discussing issues with EPA, discussing potential solutions with UP, and of course being a valuable member of this group. As a result, Fifth Ward and the other impacted communities look to not only the city, but also the county to be knowledgeable about significant developments on this issue and to be involved in the process of finding solutions.

I left our February 7 call with the impression that this was a team effort and that each of the groups involved here would be working together in navigating solutions and communicating those solutions to the public. I hope moving forward that we can all work collaboratively in that regard, and that the public won't again be given the impression that only the EPA, the city, and UP are involved in this effort.

--Christian

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<image002.png>

<![endif]-->**Christian D. Menefee**

Harris County Attorney

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From: Andrews, Suzanne (she/her/hers) <Andrews.Suzanne@epa.gov>

Sent: Friday, February 24, 2023 7:14 PM

To: jbb@blackburncarter.com

Cc: Cagle, Molly <molly.cagle@bakerbotts.com>; Utley, Sarah (CAO) <Sarah.Utley@harriscountytexas.gov>; Jim Blackburn <jimb@supldes.com>; Wilkins, Tim <timothy.wilkins@bracewell.com>; Nance, Earthea <Nance.Earthea@epa.gov>; Dwyer, Stacey <Dwyer.Stacey@epa.gov>; Gonzalez, Iris (she/her/hers) <Gonzalez.Iris@epa.gov>; Meyer, John <Meyer.John@epa.gov>; Price, Lisa <Price.Lisa@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Luckett, Casey <Luckett.Casey@epa.gov>; McGuire, James <McGuire.James@epa.gov>; Malone, George <Malone.George@epa.gov>; Acevedo, Janie <Acevedo.Janie@epa.gov>; charmaine.backens@tceq.texas.gov; Marvalette.hunter@houston.tx.gov; arturo.michel@houston.tx.gov; Menefee, Christian (CAO) <Christian.Menefee@harriscountytexas.gov>; James B Boles (jbbboles@up.com) <jbbboles@up.com>; Hanash Rami (rshanash@up.com) <rshanash@up.com>; Nicholas J. Bryan (NJBryan@up.com) <njbryan@up.com>; Seitz, Bart <bart.seitz@bakerbotts.com>

Subject: Re: UPRR Order

Agree

Sent from my iPhone

On Feb 24, 2023, at 6:48 PM, Jim Blackburn <jbb@blackburncarter.com> wrote:

Agree we should wait

Sent from Blackburn's iPhone

On Feb 24, 2023, at 6:33 PM, Cagle, Molly <molly.cagle@bakerbotts.com> wrote:

All,

Under the circumstances, I believe we should ALL hold our announcements and press releases until we have had a chance to coordinate on Monday.

If ANYONE disagrees, please let everyone else know immediately.

Suzanne, thanks very much for the call. Much appreciated.

Best, Molly

Molly Cagle

Senior Counsel

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From: Andrews, Suzanne (she/her/hers) <Andrews.Suzanne@epa.gov>

Sent: Friday, February 24, 2023 5:46 PM

To: Marvalette.hunter@houstontx.gov; arturo.michel@houstontx.gov; Cagle, Molly <molly.cagle@bakerbotts.com>; Sarah Utley <Sarah.Utley@harriscountytexas.gov>; Mr. James B. Blackburn Jr. <jimb@supldes.com>; Wilkins, Tim

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<timothy.wilkins@bracewell.com>; christian.menefee@harriscountytexas.gov

Cc: Nance, Earthea <Nance.Earthea@epa.gov>; Dwyer, Stacey <Dwyer.Stacey@epa.gov>; Gonzalez, Iris (she/her/hers) <Gonzalez.Iris@epa.gov>; Meyer, John <Meyer.John@epa.gov>; Price, Lisa <Price.Lisa@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Lockett, Casey <Lockett.Casey@epa.gov>; McGuire, James <McGuire.James@epa.gov>; Malone, George <Malone.George@epa.gov>; Acevedo, Janie <Acevedo.Janie@epa.gov>; charmaine.backens@tceq.texas.gov

Subject: UPRR Order

[EXTERNAL EMAIL]

Attached please find a copy of the signed Administrative Settlement Agreement and Order on Consent for Removal Action Site Evaluation and Statement of Work.

EPA is currently working on a press statement and will not release it earlier than Monday, February 27.

Suzanne Andrews
Deputy Regional Counsel
EPA Region 6
214.665.8027

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